

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**ERIC DEAN HANSON,**  
**Plaintiff,**

**VS.**

**MARTIN O'MALLEY,**  
**Commissioner of the Social**  
**Security Administration,**

**Defendant.**

**Case No. CIV-23-147-GLJ**

## OPINION AND ORDER

Claimant, Eric Dean Hanson, is the prevailing party in this action under the Social Security Act. Claimant seeks reimbursement of an award of attorney's fees in the amount of \$6,146.80 and costs in the amount of \$402.00, pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) [Docket Nos. 23 & 24]. The Commissioner has no objection to an award of attorney fees or costs in the amount requested [Docket No. 26].

Upon review of the record herein, the Court finds that the requested amount is reasonable, and that the Commissioner should be ordered to pay it to Claimant as the prevailing party herein. *See* 28 U.S.C. § 2412(d)(1)(A) (“Except as otherwise specifically provided by statute, a court shall award to a prevailing party other than the United States fees and other expenses, in addition to any costs awarded pursuant to subsection (a), incurred by that party in any civil action (other than cases sounding in tort)[.]”); *see also Manning v. Astrue*, 510 F.3d 1246, 1251 (10th Cir. 2007) (“The EAJA therefore permits

attorney's fees reimbursement to financially eligible prevailing parties, who make a proper application, and not to their attorneys.'').

Accordingly, IT IS ORDERED that Plaintiff's Application for Award of Attorney's Fees Under the Equal Access to Justice Act [Docket No. 23] and Plaintiff's Application for Reimbursement of Costs and/or Expenses under the Equal Access to Justice Act and 28 U.S.C. § 1920 [Docket No. 24] are hereby granted and that the Government is therefore ordered to pay the above-referenced amount to Claimant as the prevailing party herein. IT IS FURTHER ORDERED that if Claimant's attorney is subsequently awarded any fees pursuant to 42 U.S.C. § 406(b)(1), said attorney shall refund the smaller amount of such fees to Claimant pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

**DATED** this 4th day of November, 2024.

A handwritten signature in blue ink, appearing to read "Gerald L. Jackson", is written over a light blue rectangular background.

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**GERALD L. JACKSON**  
**UNITED STATES MAGISTRATE JUDGE**